

## REMARKS/ARGUMENTS

Claims 1, 2-4, 7, and 21 are pending in the present application. Claims 1, 2-4, 7, and 21 were amended.

Applicants have canceled claims 5-6, and 8-20 from further consideration in this application. Applicants are not conceding in this application that those claims are not patentable over the art cited by the Examiner, as the present claim amendments and cancellations are only for facilitating expeditious prosecution of the allowable subject matter noted by the Examiner. Applicants respectfully reserve the right to pursue these and other claims in one or more continuations and/or divisional patent applications.

Reconsideration of the claims is respectfully requested.

### **I. Examiner Interview**

Applicants appreciate the courtesies extended by the Examiner in the interview that was conducted on November 19, 2007. Applicants' claims were discussed. No agreement was reached.

### **II. Claim Objections**

The Examiner has objected to claims 2-4, 7, and 10-11 because of the following informalities:

"the steps" in line 1 of claim 2 should be replaced with "the step" - as there is only one step that follows.

"further comprising the steps:" in line 1 of claim 2 should be replaced with "wherein" - as the claim merely clarifies what "determining current characteristics of said system" includes. There is no further step.

"said characteristics" in line 4 of claim 2 should be replaced with "said current characteristics" for clarity.

"the steps" in line 1 of claim 3 should be replaced with "the step" - as there is only one step that follows.

"the steps" in line 1 of claim 4 should be replaced with "the step" - as there is only one step that follows.

"the steps" in line 1 of claim 7 should be replaced with "the step" - as there is only one step that follows.

"A method data processing system" in line 1 of claim 10 should be replaced with "A data processing system".

"said system including a CPU" in line 5 of claim 10 should be replaced with "a CPU" to avoid redundancy with "said system comprising" in line 2 of the claim.

"further comprising:" in line 1 of claim 11 should be replaced with "wherein" - as the claim merely clarifies what "determining current characteristics of said system" includes. There is no further step.

Office Action dated August 27, 2007, pages 2-3.

Claims 2-4, and 7 have been amended to overcome this objection. Claims 10-11 have been canceled.

### **III. 35 U.S.C. § 112, Second Paragraph**

The Examiner has rejected claim 2 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter, which applicants regard as the invention. This rejection is respectfully traversed.

The Examiner states:

**Claim 2** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites "determining current characteristics of said system including determining direct memory access (DMA) capabilities and processor capacity of said system, wherein said DMA capabilities and process capacity are said characteristics" in lines 2-4.

It is unclear whether applicant meant "processor capacity" or "process capacity". Furthermore, it appears that "wherein said DMA capabilities and process capacity are said characteristics" does not limit the claim any further.

Office Action dated August 27, 2007, pages 3-4.

Applicants have amended claim 2 to recite: "wherein said DMA capabilities and processor capacity are said current characteristics". Therefore the rejection of claim 2 under 35 U.S.C. § 112, second paragraph has been overcome.

### **IV. 35 U.S.C. § 102, Anticipation**

The Examiner has rejected claims 1-3, 10-12 and 18 under 35 U.S.C. § 102(b) as being anticipated by *Chen et al., Adaptor for Receiving and Processing Asynchronous Transfer Mode Cells Within a Computer Network*, U.S. Patent No. 5,870,628, dated February 9, 1999 (hereinafter referred to as "*Chen*"). This rejection is respectfully traversed.

Claims 6, 14, and 19 were found to have allowable subject matter.

Applicants have amended claim 1 to incorporate the features of claim 6. Therefore, claim 1 is believed to be allowable. Because claims 2-3 depend from claim 1, claims 2-3 are also believed to be allowable.

### **V. 35 U.S.C. § 103, Obviousness**

#### **V.A. Claims 4 and 13 over *Chen* in view of *Buckland***

The Examiner has rejected claims 4 and 13 under 35 U.S.C. § 103(a) as being unpatentable over *Chen* in view of *Buckland* et al., *Performance Enhancement Implementation Through Buffer Management/Bridge Settings*, U.S. Patent No. 6,665,753, dated December 16, 2003 (hereinafter referred to as "*Buckland*"). This rejection is respectfully traversed.

Claims 6, 14, and 19 were found to have allowable subject matter.

Applicants have amended claim 1 to incorporate the features of claim 6. Therefore, claim 1 is believed to be allowable. Because claim 4 depends from claim 1, claim 4 is also believed to be allowable.

**V.B. Claims 1, 3-4, 10, 12-13 and 18 over *Webb* in view of *Buckland***

The Examiner has rejected claims 1, 3-4, 10, 12-13 and 18 under 35 U.S.C. § 103(a) as being unpatentable over *Buckland* in view of *Webb* et al., Transformation of a First Dataword Received From a FIFO Into an Input Register and Subsequent Dataword From the FIFO Into a Normalized Output Dataword, U.S. Patent No. 6,061,749, dated May 9, 2000 (hereinafter referred to as "*Webb*"). This rejection is respectfully traversed.

Claims 6, 14, and 19 were found to have allowable subject matter.

Applicants have amended claim 1 to incorporate the features of claim 6. Therefore, claim 1 is believed to be allowable. Because claims 3-4 depend from claim 1, claims 3-4 are also believed to be allowable.

**VI. Allowable Subject Matter**

The Examiner has objected to Claims 6-7, 14-15, and 21 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants have amended claim 1 to incorporate the features of claim 6. Therefore, claim 1 is believed to be allowable.

Applicants have rewritten claim 21 in independent form including all of the limitations of the base claim 1. Therefore, claim 21 is believed to be allowable.

**VII. Conclusion**

It is respectfully urged that the subject application is patentable over the cited prior art and is now in condition for allowance.

The examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: November 26, 2007

Respectfully submitted,

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